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Letter dated 12 September 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the report of the High Representative for the elections in Côte d'Ivoire, Antonio Monteiro, on his first visit to the area, from 8 to 18 August 2005 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Report of the High Representative for the elections in Côte d'Ivoire

1. The present report, which you may wish to convey to the members of the Security Council, describes my initial visit to Côte d'Ivoire, following my appointment as High Representative for the elections in that country. This visit was planned as the first step in setting up the Office of the High Representative for the elections in Côte d'Ivoire, and a means of establishing contact with all the significant actors in the process.

2. I visited Côte d'Ivoire from 8 to 18 August 2005, accompanied by part of the core staff of my office, as well as a staff member from the Secretariat (Electoral Assistance Division). It was my concern during the visit to establish contact with the widest possible range of actors, and to establish with them that transparency would be the hallmark of my approach to my assignment, the very foundation of my working methodology. I was further interested in taking the pulse of the situation, and to determine whether there was a genuine commitment to proceed towards elections. In this regard, I am happy to report on a positive evolution, as you will note below, in particular on the two main sticking points requiring priority resolution — the Linas-Marcoussis legislative reforms and the reconstitution of the Independent Electoral Commission (IEC). This, of course, is not to oversimplify matters. There are difficulties that must be acknowledged. The very issue of holding elections is closely interconnected to and will ultimately depend on progress on other fronts, especially the security front.

3. In the course of the visit, I met with a wide spectrum of actors, including the national authorities (President Laurent Gbagbo, Prime Minister Seydou Diarra, the Constitutional Council, Cabinet Ministers, the existing Independent Electoral Commission and other agencies whose work has an impact on the electoral process), political parties and movements (G-7, PIT, Forces nouvelles), entities of the United Nations system (ONUCI and the agencies), as well as diplomatic representatives of several countries and international organizations.

4. In terms of the subject matter, two principal issues preoccupied me as I approached this visit — the issue of the conformity of the legislative package recently adopted by President Gbagbo with the relevant agreements, and the urgency of appointing a reconstituted Independent Electoral Commission. As you are aware there are links between the two issues, both a direct one, to the extent that the IEC law is part of that package, and an indirect one, the laying down of conditions by some of the parties: if those conditions were not met, they would not designate their representatives on the new Independent Electoral Commission.

5. During this initial mission, and at the invitation of the South African authorities, I also visited South Africa to meet with the African Union Mediator, President Thabo Mbeki. I was accompanied by your Special Representative for Côte d'Ivoire, Pierre Schori, who has personally and through the services of ONUCI provided significant assistance to me and my staff on this mission. The visit afforded the opportunity to further review with the Mediator the issue of the legislative package, as well as his earlier determination on it.

6. In all my meetings while in Côte d'Ivoire, I seized the opportunity to remind my interlocutors of the High Representative's mandate as stated in Security Council

resolution 1603 (2005), and to point out the crucial juncture that the Ivorian peace process had reached, especially as it concerns the chances of conducting the presidential elections as scheduled. While always emphazing that elections were not, in themselves, a panacea, I reminded my interlocutors that it was inconceivable to resolve the Ivorian crisis without credible elections whose conduct and results would command the respect of both national actors and the wider international community.

7. In order for such elections to be held, it is imperative to have, without further delay, a functional IEC devoid of the problems of political legitimacy faced by the existing one because its composition is not in accordance with the stipulations of the Linas-Marcoussis and Pretoria agreements.

8. Though I refrained from specifically addressing the issue of the feasibility of holding elections as scheduled on 30 October, it inevitably came up several times. I constantly made allusion to an analogy of the electoral process as a train that departs the station, making several stops on its way to its destination — should it not leave the station, it can never reach that destination. The important thing is for the train to depart and, in order to do so, it needed its engine, the Independent Electoral Commission, to be in place.

9. This message was well received by my interlocutors, in particular the political parties and movements. Among those that I had the opportunity of meeting, the G-7, all of whose constituent members were in attendance, reminded me of their dissatisfaction with certain aspects of the legislative package adopted by President Gbagbo, which they had communicated to the Mediator. Nevertheless, the four political party members of this grouping (MFA, PDCI-RDA, RDR, UDPCI) made an unambiguous commitment to designate their representatives on the reconstituted IEC without further delay, while they would continue to exercise pressure regarding the pending issues. The three Forces nouvelles movements demurred, preferring to postpone any comments until I had met with them separately, which was planned for the following day. The PIT leader had indicated, at a separate meeting with me, that his party would not delay in designating its representatives.

10. In my meeting with the Forces nouvelles, in Bouaké, where your Special Representative was also present, they concluded that they would undertake further consultations among themselves and reach a decision on the nomination of their IEC representatives before the end of my initial mission. However, prior to reaching this conclusion, they re-emphasized their concerns, regarding not only the legislative package and the mediation's determination on it, but also the issue that they consider to be the central contention at the source of the Ivorian crisis — that of "identification", the denial of citizenship rights to certain sectors of society, the marginalization of the many who have been denied possession of identification papers, with all the consequences that come with such a status in a society in which the presentation of identity cards is an essential part of many procedures and day-to-day activities.

11. I am happy to report to you that the Forces nouvelles, following those internal consultations, have since addressed correspondence to me, dated 18 August 2005, in which they indicated their firm commitment to nominate their representatives to the Independent Electoral Commission without further delay.

12. The attendance on the Forces nouvelles side during our meeting with them was in itself significant. According to ONUCI, this was the first time that Guillaume Soro was receiving the United Nations with the full complement of all his civilian and military collaborators, including the six zone commanders. This display of unity would give guarantees, should the Forces nouvelles implement their positive decision to participate in the Independent Electoral Commission, that it would be a decision that all subscribe to.

13. While this issue goes far beyond that of the electoral process per se, it is nevertheless pertinent, as it has an impact on who can register as a voter. In this regard, I should mention my meeting with the Minister of Justice whose department, in consultation with other relevant agencies, has been examining modalities for organizing and conducting *audiences foraines* (field court sessions) for the issuance of duplicate birth records, which are a requirement for obtaining nationality certificates, themselves a prerequisite for the issuance of national identity cards. The approach proposed would mobilize virtually all available lower court magistrates over a period of a few months, thus providing an opportunity for the estimated 2 million to 2.5 million people said to lack the necessary documentation to obtain their substitute birth certificates.

14. You will recall that there has been a flurry of letters exchanged between the various Ivorian parties and the mediation since President Gbagbo issued a series of decrees on 15 July. There was a major concern, especially in the PDCI-RDA, RDR and Forces nouvelles camps, that that legislative package did not fully respect the stipulations of the Linas-Marcoussis and Pretoria agreements. The mediation had taken the view that the decrees in fact met in general the requirements, leading to the Forces nouvelles, in particular, doubting the sincerity of the mediation. In the course of our meeting with President Mbeki, we reviewed these pending issues, and he was convinced that there were a few grey areas requiring further clarification, on which he agreed to write to President Gbagbo. Prior to our meeting, he had already issued a determination regarding the operational relationship between the Independent Electoral Commission and the National Institute of Statistics — namely that the latter is subordinate to the former. Those issues on which he now agreed to write Mr. Gbagbo are:

- Some additional categories of people who should enjoy the right to Ivorian citizenship and whose rights were either abridged or not recognized in the decisions issued.
- The need to make it clearer that the Independent Electoral Commission is free to organize itself in whatever manner at the local level and that by so doing the concern about multiparty representation at those levels would be taken care of.
- The importance of not introducing any additional requirements in regard to the manner of proof of Ivorian nationality (which the decisions of 15 July effectively did).
- Definition of exceptional circumstances under which parties may recall their designated representatives on the Independent Electoral Commission and modalities for such recall (after consultation with the full IEC and the High Representative and with the agreement of the Mediator).

15. While happy to report these two significant results of my initial visit, I should bring to your attention my concern regarding some potential and actual impediments

to progress in organizing the electoral process — and indeed the broader peace process. These include:

(a) The delays in installing the new Independent Electoral Commission, which are probably linked to lingering doubts about the presidential decisions issued on 15 July. While these doubts were mostly addressed by President Mbeki's further démarches, other reasons could be invoked to create additional delays;

(b) Difficulty in reaching overall agreement among political parties on the internal rules of the Independent Electoral Commission and the need to reach such an agreement quickly; the installation and operationalization of the Commission is a prerequisite to starting the electoral process;

(c) The passion-laden issue of national identification, and the need to translate the unambiguous language of Linas-Marcoussis into reality on the ground (sadly, the identification process remains paralysed, owing to a combination of factors);

(d) Political and logistical obstacles to the deployment of around 300 magistrates in all territories to conduct the *audiences foraines*;

(e) The lack of progress on the security front (disarmament, demobilization and reintegration, dismantlement of militias etc.);

(f) The rather worrying status of resource mobilization for the electoral process.

16. The meeting with President Mbeki points to the great possibilities that exist if the cooperation between the United Nations and the African Union mediation were to be intensified through constant consultation at the highest level. Such cooperation will invariably help to minimize such problems as may arise with legislative texts or other acts undertaken by the President or Government. The issue of identification is a long-term operation on which emergency measures will have to be adopted in the immediate future, if the Forces nouvelles are to be assuaged. The security situation will also require redoubled efforts, both in the north and the south, if an appropriate climate for the elections is to be created.

17. I would like to particularly emphasize the issue of funding of the electoral process. Regardless of the efforts of UNDP, which has set up a project for the mobilization and management of international community resources, there is still a significant gap in the overall electoral budget. I should also add that there is in fact no finalized electoral budget. This is the direct result of the institutional uncertainty that has reigned over the process all these past months: an IEC that is not quite fully legitimate, the designation of the National Institute of Statistics to take over significant statutory responsibilities of the Independent Electoral Commission, the reticence of donors to make commitments in such a context. This donor reticence is also partly explained by the apparent lack of a genuine political commitment on the part of the Ivorian parties to push the peace process forward.

18. The funding gap, according to the consolidated budget prepared by the Prime Minister's Office (based on the figures from the current Independent Electoral Commission and the National Institute of Statistics, modified by the Prime Minister's office) and taking into consideration the announced intentions of the Government and the European Commission, is approximately $31 million. It would be unfortunate if we were to find ourselves in a situation in which, having pushed

the Ivorian parties so much, we have an electoral commission in place but without the resources to carry forward the electoral process. While it is understandable that donors might be reticent, in the absence of some strong signal of genuine political will, I strongly urge you to consider initiating démarches vis-à-vis the major donor countries so that they will have the necessary resources ready to immediately get the IEC operational once it is established.

19. As regards the timeline for the elections, as stated above, I have been cautious not to lock this process into a logic of inevitable postponement, with the likelihood that other aspects of the peace process will continue to stall, and the "train" never leaves the station. I am advised by the technical experts that the feasibility of holding elections by 30 October is increasingly problematic. However, it is preferable to leave the debate on that question until after the establishment of the new Independent Electoral Commission, by which time a decision can be taken on a new date, if deemed necessary, and the mediation can look into the larger implications of such a decision, given the deadlines imposed by the Ivorian Constitution. In the meantime, a crucial task of IEC will be the drafting and acceptance by all parties of an electoral code of conduct which will help to create conducive conditions for campaigning and the holding of elections.

20. As indicated above, I sought to make my consultations as inclusive as possible. In this regard, I note that I was unable to meet with the FPI President and the Minister of Territorial Administration, both of whom were said to be on vacation outside the country, and the President of the National Assembly, who was unable to receive me because of scheduling problems. I hope to be able to meet with them once I return to Abidjan.

21. It is my fervent hope that my appointment will contribute positively to the Ivorian peace process. I take this opportunity to express my gratitude to you, to your Special Representative and ONUCI in Abidjan, and to the UNDP Resident Coordinator and country office. I intend to return to Côte d'Ivoire shortly, to continue my efforts to bring about progress in the electoral preparations. Meanwhile, the skeleton staff of my office remains in Abidjan, and will be joined by additional personnel shortly. We intend to keep the office small and functional, with the addition of short-term consultants as the pace and phase of the process demands.